

## **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1, 3-7, and 9-12 remain in the application and claims 1 and 7 are independent.

The Office Action dated April 1, 2009 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

### **Legal Standard for Anticipation and Obviousness Rejections**

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. Of California, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

Similar to anticipation rejections, in order to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In Re Kahn, 441 F.3d 977, 988 (CA Fed. 2006).

### **Claim Rejections – 35 U.S.C. § 103**

Claims 1 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Oshima in view of U.S. Pub. No. 2002/0122585 to Swift et al. ("Swift"). Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish *prima facie* obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. In addition to the above cites, see M.P.E.P. § 706.02(j); M.P.E.P. 2141-2144.

A brief summary of the invention may be helpful before discussing the details of the claims and the prior art references. One feature of the instant invention includes image data generating apparatus for adding attribute information to image data for a 3-dimensional display, and image data reproducing apparatus for reproducing the data. The apparatus includes information generating means that generates integration information and image placement information which are stored with the image data. The integration information indicates whether the image data from different viewpoints have been integrated into a single image, or not, and indicates a placement relationship of the images of the different viewpoints inside of the single integrated image when the images from different viewpoints are integrated into a single image. The image placement information includes information on the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle and placement order information that indicates whether the images are arranged in reverse order or not. By storing this attribute information with image data from different viewpoints, the image data for 3D can be made more versatile, which facilitates image data reproducing and 3D image display.

Applicants respectfully submit that this rejection, which purports to combine Oshima and Swift, is improper for a number of reasons. First, the base reference to Oshima is directed to a high-resolution optical disk for recording stereoscopic video, which does not have an information generating means that generates integration information and image placement information, as recited. Instead, the base reference to Oshima merely has stored data that indicates whether the stored left data and the separately stored right data contains 3D data or not. Oshima never provides for even the possibility of integrated image data. As the Examiner has stated, file 53 in Figure 18 of Oshima stores information indicating whether the video data is stereoscopic or not, so a player knows whether there is an option of playing video as mono-vision 2D or stereoscopic 3D. But, as is clear at least from Figures 2, 3 and 5 Oshima, the left and right stereo data is separately stored as R/A and L/B frame groups in different locations of the disk shown in Figure 3. Oshima does not show or suggest information generating means that

generates integration information and image placement information which are stored with combined image data. Oshima does not show or suggest the integration information indicates whether the image data from different viewpoints have been integrated into a single image, or not, and does not indicate a placement relationship of the images of the different viewpoints inside of the single integrated image when the images from different viewpoints are integrated into a single image. Oshima does not show or suggest image placement information including information on the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle and placement order information that indicates whether the images are arranged in reverse order or not. Thus, the base reference to Oshima is significantly different than what is claimed and, in no way, discloses or suggests the claimed invention.

Second, the secondary reference to Swift appears to disclose a stereoscopic media delivery system in which video can be stored as a series of 3D stereoscopic images of an object in a file, as shown in Figure 17, to which the Office Action refers. However, a careful reading of paragraph [0064], to which the Examiner refers, reveals the sequence of 3D stereoscopic images are separately stored as left and right still images in object movie data file 1604 shown in Figure 16. These still images are separately stored in this manner so they may be separated and scaled and recombined in the manner shown in Figure 6. Like Oshima, Swift never provides for even the possibility of integrated image data. The rejection alleges that the “placement relationship” information indicating rotation of a predetermined angle is shown by the different views View 1, View 2, ...View N shown in Figure 17. To the contrary, paragraph [0064] clearly indicates that is not the case at all, as Figure 17 merely indicates the manner in which all of the still images are shot by moving the camera and states the “collection of these images forms an object movie data file 1604. ...As the figure illustrates, the point of view of the camera is swung around the object to generate all of the intermediate images. When these images are displayed in a sequential fashion, it appears that the object is rotating on the screen in 3D depth.” This is confirmed again in paragraph [0072], which further explains that 2D can be converted to 3D by pairing up the separately stored original 2D images. Swift does not show or suggest information generating means that generates integration information and image placement information which are stored with the image data. Swift does not store integration information and does not store image

placement information because the system is merely capable of forward or reverse rotation. Moreover, Swift does not show or suggest integration information that indicates whether the image data from different viewpoints have been integrated into a single image, or not, and does not indicate a placement relationship of the images of the different viewpoints inside of the single integrated image when the images from different viewpoints are integrated into a single image. Swift does not show or suggest image placement information including information on the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle and placement order information that indicates whether the images are arranged in reverse order or not. Therefore, the secondary reference to Swift neither discloses nor suggests an information generating means that generates integration information, image placement information, a single integrated image, rotation of a predetermined angle and placement order information, and therefore cannot remedy the defects of Oshima as discussed above, and does not suggest the features as recited in claims 1 and 7. Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the subject matter recited in currently pending claims 1 and 7.

Claims 2-6 and 8-12 (presumably claims 3-6 and 9-12, because claims 2 and 8 were canceled previously) stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Oshima in view of Swift, and further in view of Matsuo. These rejections are also respectfully traversed. In the Office Action, the rejection takes the position that Matsuo teaches image placement information in paragraph [0055] and Figure 9, which is information on the placement mode in which the viewpoint images are positioned by rotation of a predetermined angle, and teaches image placement information in Figure 10, which is information as to whether information is in order or reverse order, horizontal or vertical.

To the contrary, Matsuo fails to teach integration information that indicates whether images from different viewpoints have been integrated into a single image or not, image placement information that indicates a placement relationship of the images from the different viewpoints inside of the single integrated image when the images from the different viewpoints are integrated into the single image, a data format that includes the integration information and the image placement information, and image placement information that includes information on

the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle, and a placement order information that indicates whether the images are arranged in an order of the viewpoints or in a reverse order of the viewpoints, and therefore cannot remedy the defects of claim 1, and claims 3-6 dependent thereon. Likewise, Matsuo fails to teach analyzing means which analyzes an integration information that indicates whether images from different viewpoints have been integrated into a single image or not, and an image placement information that indicates a placement relationship of the images from the different viewpoints inside of the single integrated image, and reproduces the plurality of images using the integration information and the image placement information, and the image placement information includes information on the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle, and a placement order information that indicates whether the images are arranged in an order of the viewpoints or in a reverse order of the viewpoints and therefore cannot remedy the defects of claim 7, and claims 9-12 dependent thereon.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

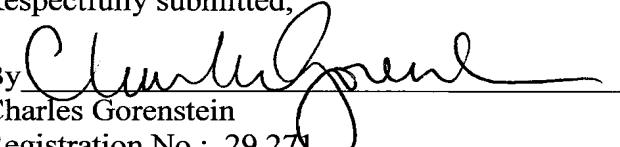
Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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